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Raising Our Children: The Village Has Work To Do

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Justice Peggy Quince

Abstract

On behalf of the Gwen S. Cherry Black Women Lawyers Association, I am so grateful that you all have come, and I thank you for coming.

KEYWORDS: children, village, raising

RAISING OUR CHILDREN: THE VILLAGE HAS WORK TO DO

JUSTICE PEGGY QUINCE*

PRELUDE

On behalf of the Gwen S. Cherry Black Women Lawyers Association, I am so grateful that you all have come, and I thank you for coming. I thank all the panelists and speakers—will the board of Gwen S. Cherry Black Women Lawyers Association please stand and be recognized? [applause]

An association of black women—some mothers and many of us not—our advocacy around this issue is pretty obvious, but when we decided to reach out to people, we were so very quickly joined by a huge, broad community of people who believe in raising each other's children. There are just too many people who have been involved in this from the very beginning to thank individually, but I do want to give a very special “thank you” to Dean Garon for his leadership and NSU's Law Review for their tremendous work and vision—thank you very much. [applause]

I have the pleasure of introducing a woman, who in addition to her own two beautiful daughters, is known for minding other people's children. So it is very fitting that we have Justice Quince with us today. In 1998, Justice Quince was appointed to the Florida Supreme Court, becoming the very first African American woman to hold that role. From 2008 to 2010, she served as the Court's Chief Justice, becoming the first African American woman to head any branch of Florida government. She has been a relentless advocate who believes that the law could and should be used to combat social injustice. We could not agree more, and it is with great pride and honor that I introduce you to Justice Peggy Quince.

RAISING OUR CHILDREN: THE VILLAGE HAS WORK TO DO

Good Afternoon. It is really my pleasure to be here with you today and to talk with you about the subject of this symposium. But first, I have to thank Nova Southeastern University Shepard Broad College of Law and the

* Justice Peggy Quince is an Associate Justice of the Supreme Court of Florida, having previously served as Chief Justice from July 1, 2018 until June 30, 2010. During this time, she became the first African American woman to head any branch of Florida government. She received her Juris Doctor from the Columbus School of Law at the Catholic University of American in 1975.

Gwen Cherry Black Women Lawyers Association for putting the symposium together. In my estimation, there is no topic more important to us than the topic of our children because the children represent the future of this state. And, without a healthy respect and response to the needs of the children of this state, we are not going to have a healthy state. So, thank you for putting on this symposium. And, I have been sitting here in awe at some of the topics that have been discussed and gathering some of the information that I have gathered because I do not actually work on this topic on a daily basis, but I am a citizen of the State of Florida. I am a part of the Village of the State of Florida, and so, this topic is vitally important to me. And, this topic is vitally important to the judiciary of this state.

We are concerned with the number of children that go through our juvenile justice system, and so we want to partner with those that we can see what we can do. Our role is helping to reduce the children going through our system. We do not want to see this, and I especially—as Cynthia just said—as a black woman, with children and concern for our black community, want to continue to see our black young people, and especially our black young men, go through this kind of process. I look at all the statistics, and I see that we do not have young men available to go to our medical schools. We do not have young men available to go to our law schools, to become architects, and engineers, and teachers, and all of the things that make for a good, healthy community. And so, we have to start—we have to start, my friends, at ground zero: to try to change what is going on in our system. This whole school-to-prison pipeline, the policies that have resulted from this have got to change. And we have to change it because we have so many children who are at risk, and they are the ones who, for the most part, have this problem. National studies will show that children of color are disproportionately suspended, expelled, and arrested in comparison to their white classmates. It is also the children—and I am sure you heard much of this this morning—it is also the children in our foster care system who are disproportionately impact[ed] by these policies. And here, in Florida, we see a number of children referred to our criminal justice system from the school system, and most of those referrals—two thirds of those referrals—are for misdemeanor offenses, and fifty-eight percent of them are for first time offenses. We have got to do something about this, and it is going to take all of us who are part of this village to raise our children.

And then let me just lay down for you some of the statistics that I have seen about what is really going on. African American students make forty-four percent, and maybe even higher by now, of the students receiving out-of-school suspensions—forty-four percent. African American and Hispanic children put together make up about a sixty-five percent of the out-of-school suspensions. Students with disabilities are disproportionately

affected, and you heard, one of the people here today [at the symposium] talk about thirty-eight percent. And a lot of these out-of-school suspensions began at a very young age, in the seventh grade—the seventh grade. We are talking about children who are twelve and thirteen years old—maybe, eleven even—who are just beginning to get into that puberty. And I do not know if we talked about that kind of science of what is going on when kids get to puberty, but those are the children who have been suspended. And once you are suspended, you are more likely to drop out of school. And school dropouts are more likely to happen when you have been arrested. And foster kids are twice as likely to be suspended. And this is a statistic that really bothered me substantially: By the third grade, eighty-three percent of the children and foster care had been retained. About half of the children in foster care never graduate. We all should be concerned about these kinds of numbers. And most likely, the children who are suspended are suspended—a lot of them are suspended for, especially talking about minority students—for conduct that their white counterparts are never suspended for. And we should be concerned. Another population that is disproportionately suspended and expelled are gay, lesbian and, bisexual children. And, I was looking at an article recently, and in some school districts, a third of the black males have been suspended. A third of the black males in that school population—this is still in the urban areas—have been suspended.¹ And you heard earlier, that there are multiple causes of it, and some of it is, in fact, explicit and implicit bias. For the same conduct, they give many of the white students a pass, but the pass for the black student is to call the police.

We need to do something about that. And I also noted that the Department of Justice and Education issued last year a letter to school administrators indicating that, and I quote: “[R]acial discrimination in school discipline is a real problem.”² And one of the commentators said that kids from suburban white America do not get arrested for cursing at a teacher, or throwing a book. These are the things they go to counselors for, but children of color get suspended or expelled. All of you have heard that it takes a village to raise a child, and in the Village of Florida, we have a lot of work to do. We need to come together and stem the tide of why we have so many children suspended and expelled. We are all in this together: The parents, the teachers, the community, law enforcement, the courts—we are all in this together. We make up a village that needs to raise these children.

1. W. DAVID STEVENS ET AL., *DISCIPLE PRACTICES IN CHICAGO SCHOOLS: TRENDS IN THE USE OF SUSPENSIONS AND ARRESTS* 2 (Ann Lindner ed. 2015).

2. CATHERINE E. LHAMON & JOCELYN SAMUELS, U.S. DEP’T OF JUSTICE & U.S. DEP’T OF EDUC., *DEAR COLLEAGUE LETTER ON THE NONDISCRIMINATORY ADMINISTRATION OF SCHOOL DISCIPLINE* 4 (2014), <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.pdf>.

How did we even get to this point that we are at? A lot of it—all of us have a part to play in this. Parents of the parents: Some of them have children too early, too young, so they have no idea what they are doing. They are still children themselves, and they have no clue about how to raise children. In other situations, we found parents who work long hours just to make ends meet, and so they leave their children virtually unsupervised to raise themselves or be raised by people in the street who mean them no good. In other households, we have parents who are incarcerated and who are left to raise them are just squeaking by, and the children often end up in a dependency system—and that is why we have so many of the foster care children that we are talking about. So, I think that parents, when they get overwhelmed and overburdened, need to know that there is some place they can go for help. Do we do a good job of letting parents know that there is some help for them? The only time we talk about really helping them is once they get to the dependency system, and sometimes it is too late at that point. We need to make sure that these kids have a place where they can do their homework, places they can go after school. None of us are born knowing how to parent. We have all had our ups and downs—I have two children myself—so I know that for a fact. We need to help those that are struggling. We as a community—as a part of the village—need to help these parents. And, I used to do mentoring, and I must confess that I have become very slack in my obligations to our community and to the village. I used to do mentoring and then I mentored in all levels—the elementary, the junior high, the high school level—but then I found myself really busy, I stopped doing it, and once you do, it is hard to get back into it. So, I need to personally look at what I can do to help our village.

Our schools: I know that our schools are under tremendous pressure. We have pressure from funding. And, we have pressure, and of course, funding means we do not have money for the counselors, and the special education that we really need. And the schools are under pressure for testing accountability; we talked about that earlier. So I am not really blaming the teachers for this crisis—I call it a crisis that we are in, *per se*—but teachers are part of the village and have to be a part of the solution. I admire teachers. I think that the teachers are the most underpaid professionals that there are. How in the world do we continue to ask people to help educate and in some cases raise our children when we pay them essentially peanuts? But, we pay so much to have ourselves entertained. It is just amazing to me that there has not been a really national outcry to do more about teacher pay. I grew up in a single-parent household. My father was a single parent, and he worked as many hours as he could possibly work to raise, clothe, food, educate five children. And so, my teachers stepped in where they could and helped out. I can remember we used to go on a lot of field trips. I grew up in Virginia,

and there are a lot of historic places in Virginia—Williamsburg, Jamestown, Yorktown—all of those places. And, we would often go on field trips, and my father could not afford it; he just could not afford it. An uneducated person, a civilian worker for the Navy, which was a good job—a lot of people in the rural area I grew up in worked in the fields and did that kind of labor, so my father really had a good job for those times, but he could not afford a lot of those extras. I had teachers who actually stepped in and would pay for me to go on these field trips. With very little resources themselves, they would do that, and so I admire what teachers are doing. But the teachers really have to step up to the plate also—and I know you are under all this pressure—but sometimes you need to stop and think: Do I really need to call that resource officer to handle the situation? You have to stop and think about that because one minute might make a real difference in that child's life. Because once they start down that track, it is very, very difficult to roll it back. So yes, you have some work to do—teachers also. And, that testing—oh, that testing—it has made, I think, teachers kind of paranoid. There is that incentive there then to push out those who are bringing down those test scores, and often, they are the same children we are talking about. They are the ones who have the low test scores and they are the disciplined part, and so there seems to be an incentive to push them out.

And, zero tolerance policies:—you cannot have a policy that is a one size fit all. There has to be some room for some individuality, and let me give you an example. This is something that happened very recently in Texas. And, I do not know if you have heard about it or not. There was a young man named Ahmed Mohammed: A brilliant student interested in robotics, engineering, those kinds of things. And so, he built a clock at home, he takes it to school, and the first teacher he shows it to says, “You really shouldn't show this to anybody else.” But for some reason, he did. The police was called. He ended up with a three-day suspension, even after all the discussion—of what, that he had built this—no bomb was found.³ When we talk about minorities disproportionately dealt with—he was interrogated four times by the sheriff—or four sheriffs, I should say, interrogated him. Zero tolerance. We know what happens when children are suspended and expelled, don't we? They go unsupervised; there is no constructive activities; they fall behind in their schoolwork; they get back to school and they are behind; they become discouraged; and they drop out. And then, there [is] juveniles out on the streets as prey to any of those adults out there who are looking for others to do their dirty work. We have a lot of work to

3. Krishnadev Calamur, *Inventing While Muslim*, THE ATLANTIC (Sep. 16, 2015, 1:13 PM), <http://www.theatlantic.com/national/archive/2015/09/inventing-while-muslim/405586>.

do. And, once the children fall, and too many children, who have fallen into juvenile crime, fall into adult crime. And that is how we get that prison-industrial complex going. These are the children who later populate the adult prisons. And, I think that in response to things that have gone on in our school systems, we brought in these resource officers who were supposed to be a connection between the community, and the things that were going on in the school. And yet what ends up happening in a lot of situations is that they end up arresting children for really minor things. And they end up being the disciplinarians that the teachers used to be. It is easier to call a resource officer to come and deal with the situation that teachers used to be able to deal with.

When I was going to school, I do not ever remember seeing a police officer on our school campus. Teachers dealt with the disciplinary issues, or they sent them to the principal's office, who dealt with the disciplinary issues. I know that a lot of things have changed; there are a lot more drugs, and all of that, in our communities, but there still has to be some room for the teacher being disciplinarian as opposed to resorting to other forces. And with the increase of, of course, law enforcement, we get the increase of arrests, we get the increased interventions of our court systems, and we have more young people in our juvenile justice system than ever before. And often the children get there, they have no lawyers, they end up in detention for minor issues, and the cycle goes on, and it goes on, and it goes on. And we should really think about the fact that we have a monetary issue in stopping this: It costs about five thousand dollars to process a juvenile case. That means that this state spends between sixty nine million to seventy-five million dollars a year processing kids who have been sent to out a court from schools. That is a lot of money—sixty-nine to seventy-five million dollars. Let's think about this: If the cycle goes on, we spend—I believe, approximately—I think the last numbers I saw—is about forty thousand dollars a year to house a prisoner. How much do we spend a year on children in school? Seven thousand, maybe? You do the math. We spend so much money to house prisoners. If we could use that money in our school systems, just think about what good can be done.

It is just unfathomable to me that we, as a whole community, do not see the need for true reform. Parents need to stop expecting the school systems to raise their children, and they need to take a more active part in their children's lives. Get help if you need help. Do not blame your children's conduct necessarily on the teacher. When I was growing up—I keep referring to that because it just seems like the school system has changed so much—if my father got a call from a teacher—you know what was going to happen next—I needed to find a pad for a certain part of my anatomy because my father took the position that there was no excuse for a

teacher to have to call him, except if she was calling him to tell him I made all A's that six weeks. Often, we see the parents berating the teacher. Parents, you need to take a lot more responsibility, and those of us in the community, we need to take more responsibility. In addition to the help of mentoring people, I have to tell you lawyers—lawyers in this room—you need to step up to the plate also. You are part of this community. You are part of this village. And, we just heard a presentation from Professor Pinkney about the things that she has been able to accomplish. Well, if you would take—lawyers—some of these cases at this end of it, when the child is about to be suspended or expelled, maybe you will not have to represent them at the other point when we are talking about the juvenile justice system.

You are part of the village. You need to help raise our children. This to me is vitally important. There is a legal aspect to this because you also heard them say that parents do not understand what their rights are. So, if we make ourselves a bit—all of us are supposed to do some pro-bono work—make it a point of doing pro-bono work in this particular area and helping to keep our children in school. And schools, with the help of the rest of us, you need to really look at, or re-think, some of the policies that you have. We need to . . . rethink some of the policies that you have. I would suggest—because I was listening to the presentation earlier about bias, implicit and explicit—we need to make sure some of our teachers go through diversity training. I do not know if you have it in the school system, we try to do it in the court system. We make our judges have diversity training so we understand even what we are feeling because no one is beyond bias and prejudice. But I think if you recognize that that's what it is, it will help you to deal with this situation better. And, I would ask that you look at—I think they have program going in Palm Beach County—the school-justice partnership, where people are coming together and they are beginning to reduce some of those numbers that we have talked about. One size does not fit all, and we cannot allow our schools to continue to use that kind of method when dealing with our children. If we can help our children; if we can reduce this school-to-prison pipeline, then we know that our village is going to thrive in the future. We need to give care and attention to what is going on in our school system. The same kind of care and attention we give to our individual children. We need to make sure that our school systems are working for all of our children.

I am going to leave you with the words of one of my favorite all-time singers. That is Marvin Gaye, and he had a song that I really loved, and that song says, "Save the children." Thank you so much. [applause].